

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY SP D.C.
05 AUG 12 PM 3:29
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, JACKSON

ST. MICHAEL MOTOR EXPRESS, INC.,)

Plaintiff,)

VS.)

No. 05-1104-T/An

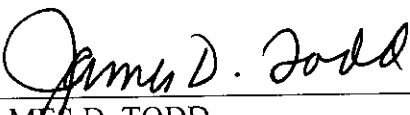
INTERNAL REVENUE SERVICE,)

Defendant.)

ORDER DENYING MOTION TO STRIKE JURY DEMAND AS UNNECESSARY

The plaintiff, St. Michael Motor Express, Inc., filed this action against the Internal Revenue Service ("IRS") on April 6, 2005. On July 15, 2005, the IRS filed a motion to strike a jury demand purportedly made by the plaintiff. However, the Court has examined the entire record in this case and has been unable to locate where plaintiff has ever made a jury demand.¹ Therefore, the IRS' motion is DENIED as unnecessary.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE

12 August 2005

DATE

¹ The only reference to a jury trial in the record is contained in a document attached to a notice setting a Rule 16(b) scheduling conference, dated June 29, 2005. The document is a set of instructions to counsel for use in preparing a proposed scheduling order and includes the following statement: "This case has been set for JURY trial on MONDAY, June 19, 2006, at 9:30 A.M. . . ." This erroneous reference to a jury trial apparently was inadvertent and, in any event, is immaterial as the actual scheduling order issued on July 26, 2005 does not set a trial date at all.



Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 1:05-CV-01104 was distributed by fax, mail, or direct printing on August 15, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT